

MARYLAND STATE HIGHWAY ADMINISTRATION
OFFICE OF PROCUREMENT AND CONTRACT MANAGEMENT
CONSULTANT SERVICES DIVISION
707 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202

August 5, 2022

Contract No.: BCS 2022-09
Description: Planning, Engineering,
Construction Management, and
Program Support Services, Statewide

REQUEST FOR TECHNICAL PROPOSAL ADDENDUM NO. 1

To All Consultant Candidates:

Please be advised that the Request for Technical Proposal (RFTP) delivery date for this contract is **12:00 PM (NOON) on September 14, 2022**. All other dates on RFTP remain the same.

This addendum is being issued on the Advertisement for BCS 2022-09. All prospective Consultants must acknowledge the clarifications, revisions, additions and/or deletions listed below for this Request for Technical Proposal Addendum No. 1 by signing, dating and attaching this addendum in the front of their Request for Technical Proposal submittal. Failure to attach this signed and dated Addendum No. 1 in the Request for Technical Proposal submittal may result in rejection.

The attention of prospective candidates is directed to the following clarifications, revisions, additions and/or deletions to the Request for Proposal.

CONSULTANT NOTIFICATION

Please be advised that the Pre-Proposal meeting for this advertisement took place on Wednesday, August 3, 2022, at 10:00 am EST. MDOT SHA is providing the public with the following information related to the pre-proposal meeting:

- BCS 2022-09 Pre-Proposal Meeting Attendance Log
- BCS 2022-09 Pre-Proposal Meeting Transcription

The documents referenced above have been uploaded to eMMA and are immediately available for review. **The submission date for all written questions remains unchanged and all written technical questions must be submitted by August 17, 2022, at 12:00 pm (NOON) EST.**

CONSULTANT QUESTIONS

- Q1. Good afternoon, *[consultant redacted]* we would like to submit the following question. We are wondering if we are precluded from bidding on this project because we are already supporting the Op Lanes project? Thank you, *[name redacted]*
- A1. **No, a firm is not precluded from being on a team proposing on this contract if the firm is currently performing services for MDOT SHA on the Op Lanes Maryland/I-495 & I-270 P3 Program.**
- Q2. BCS 2022-09 Section 6 of the RFP notes that any firms on the BCS 2022-09 contract will be excluded from being on any team for any P3 agreement related to the I-495 & I-270 P3 Program during the life of the contracts. Are firms who have been involved with the predevelopment work with AMP for establishing bid documents for P3 design-build contracts precluded from working on the BCS 2022-09 contract?
- A2. **Firms are not permitted to work on any team for any P3 agreement related to the I-495 & I-270 P3 Program concurrent with a BCS 2022-09 contract. If a firm completed predevelopment work for Accelerate Maryland Partners (AMP) and is no longer under contract to AMP, then the firm would not be precluded from working on BCS 2022-09**
- Q3. Is the scope of work for BCS 2022-09 mainly for assisting SHA with performing non-design-related tasks (e.g., reviews of designs performed by others), or does the scope of BCS 2022-09 contain a large design component?
- A3. **The scope of work includes design and design review and all aspects of professional services and activities related to planning, engineering, construction management, and program support services.**
- Q4. Question re: BCS 2022-09
[Consultant redacted] is requesting a MDOT SHA finding and expedited written confirmation that *[Consultant redacted]* does not have a conflict of interest from being on a Consultant Team for Contract BCS 2022-09 and *[Consultant redacted]* is not excluded from pursuing or joining as a subconsultant to pursue Contract BCS 2022-09. In consideration of this request, please note the *[Consultant name redacted]* is not participating on any P3 agreement related to the I-495 & I-270 P3 Program. Please also note that *[Consultant redacted]* previously discussed this consideration with the former P3 Office Director, *[name redacted]* who confirmed that *[Consultant redacted]* did not have a conflict of interest on this contract. Given that Contract BCS 2022-09 has been advertised for selection with a submission due date of September 14, 2022, an expedited review and written confirmation is requested. Should you have any questions regarding this request, please contact myself directly – *[name redacted]* at *[email redacted]* *[phone number redacted]* or *[name redacted]* at *[email redacted]* *[phone number redacted]*.

- A4. A firm that is not currently on and will not be on a Developer team at any tier under a P3 Agreement for the I-495 and I-270 P3 Program prior to submitting a response to this RFP does not have a conflict of interest that would preclude the firm from pursuing or joining a Consultant Team responding to this RFP.**
- Q5.** Hello Ms. Wright - My name is *[name redacted]* of *[Consultant redacted]* dba *[Consultant redacted]*. I have been approached to join the team of prime contractor that will pursue the MDOT highway P3 General Engineering Consultant contract (aka ALB-495-270, but I gather the portfolio may be wider than just that project). During MDOT's procurement of the concessionaire for Phase 1 South, I was on the *[Consultant redacted]* team, which of course was not selected (*[redacted]*). My question is whether a potential conflict exists. Could you advise?
- A5. Based on what is stated, *[Consultant redacted]* was a member of an unsuccessful Phase 1 Developer Team. No potential conflict of interest would exist with participating as a subconsultant on these contracts.**
- Q6.** MBE/DBE
Our firm (MBE/DBE) is interested in serving on teams for the recently advertised BCS 2022-09 Planning, Engineering, Construction Management and Program Support Services, Statewide. Until recently, we were working on the pre-development phase efforts. Our work on that contract has ended. Do we need to do anything to confirm that there is no conflict with our previous efforts to support the pre-development phase?
- A6. Firms are not permitted to work on any team for any P3 agreement related to the I-495 & I-270 P3 Program concurrent with a BCS 2022-09 contract. If a firm completed predevelopment work for Accelerate Maryland Partners (AMP) and is no longer under contract to AMP, then the firm would not be precluded from working on BCS 2022-09.**
- Q7.** Good afternoon. *[Consultant redacted]* (MDOT MBE *[redacted MBE#]*) is interested in serving on teams for the recently advertised BCS 2022-09 Planning, Engineering, Construction Management and Program Support Services, Statewide. Until recently, we were working on the pre-development phase efforts for *[Consultant redacted]* and AMP. Our work on that contract has ended. Does *[Consultant redacted]* need to do anything to confirm that there is no conflict with our previous efforts to support AMP and work under the current advertisement?
- A7. There is not a potential conflict of interest. *[Consultant redacted]* notes they have been working for the developer Accelerated Maryland Partners as a subconsultant to *[Consultant redacted]*. If a firm completed predevelopment work for Accelerate Maryland Partners (AMP) and is no longer under contract to AMP at any tier, then the firm would not be precluded from working on BCS 2022-09.**

Q8: BCS 2022-09 Planning, Engineering, Construction Management, and Program Support Services

We are part of AMP Team for current Phase 1 P3 project and there is possibility that we may be part of the DB team once the projects are awarded. In this scenario would we be ineligible to be part of BCS 2022-09 due to conflict?

A8: Yes, firms are not permitted to work on any team at any tier for any P3 agreement related to the I-495 & I-270 P3 Program concurrent with a BCS 2022-09 contract.

Q9: Conflict of interest

If we are part of a design-build team vying for Phase A and B, and we are TENTATIVELY AWARDED the project by the P3 for Spring of 2023, are we prohibited from submitting a proposal for this contract. Intent to award by the P3 9 months from now is not a guarantee of an award. We don't want to spend time and \$ on a proposal only to find out we have a conflict.

A9: Firms are not permitted to work on any team at any tier for any P3 agreement related to the I-495 & I-270 P3 Program concurrent with a BCS 2022-09 contract. A firm on BCS 2022-09 cannot work for a P3 Developer team and fulfill its obligations to MDOT SHA under this contract. Therefore, that firm would need to be released from any and all obligations from the P3 Developer to participate as a firm on BCS 2022-09.

Q10: list of attendees

Please provide a list of attendees so we DBE firms can find teaming partners. That is the entire purpose of a prebid meeting for us small firm.

A10: See “Consultant Notification” at the start of this addendum for the requested information.

Q11: List of conflicted firm

Please provide a list of firms chosen by the p3 for design-build so we know who is conflicted/prohibited from submitting a proposal for BCS 2022-09.

A11: MDOT SHA is unable to provide the requested list of conflicted firms. Consultants are encouraged to continue to submit questions via eMMA prior to the written technical question deadline on August 17, 2022 at 12:00 pm (NOON).

Q12: Dear Ms. Wright:

[Consultant redacted] is pursuing the subject contract in a sub-role capacity. Although we do not have any involvement in the developer/contractor teams for the I-495/I-270 contracts in Maryland but we are a part of a Virginia Consultant Team for the I-495 NEXT, which limits end at the Virginia/Maryland state lines before the I-495 bridge. *[Consultant redacted]* role is to design the fiber optic communications for the toll collection system, strictly on the Virginia side.

We are kindly requesting from your office a confirmation that our involvement on the I-495 NEXT on the Virginia side does not create a Conflict-of-Interest situation for us to be a part of a team to pursuing the subject contract in Maryland.

Please let me know at *[email redacted]* and or at *[phone number redacted]* if you have any questions or need additional information regarding our involvement in the Virginia project. I kindly appreciate it if you could respond to this request at your earliest convenience so that we do not jeopardize our team's chances to pursue this contract.

A12: There is no potential conflict of interest. The 495 NEXT project, while it interfaces with our project, is separate and independent.

THE SIGNED ADDENDUM MUST BE INCLUDED IN THE REQUEST FOR TECHNICAL PROPOSAL IN FRONT OF THE TRANSMITTAL LETTER.

Jada Wright
Jada J. Wright, Director,
Office of Procurement and
Contract Management

August 5, 2022
Date

<u>(Company)</u>	<u>(Signature-Authorized Official)</u>	<u>Title</u>	<u>Date</u>
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General questions relating to this Addendum No. 1 may be directed to emma.maryland.gov. The submission date for all written questions remains unchanged and must be submitted by August 17, 2022 at 12:00 pm (NOON) EST.